

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARIO MARTINEZ on behalf of himself and all other)
persons similarly situated, known and unknown,)
)
)
Plaintiff,) Case No. 08 CV 896
v.)
)
DELKO CONSTRUCTION COMPANY)
and DEMETRIOS L. KOZONIS, individually) Honorable John W. Darrah
)
)
Defendants.)

AMENDED NOTICE OF MOTION

TO: Iain D. Johnston
Johnston Greene LLC
542 S. Dearborn St. Suite 1310
Chicago, IL 60605

PLEASE TAKE NOTICE that on August 28, 2008 at 9:00 am, we shall appear before Judge Darrah, in the Courtroom usually occupied by him in the U.S. District Court for the Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, Illinois, and shall then and there present Plaintiff's Fed.R.Civ. P 12(f) Motion to Strike Defendants' Affirmative Defense, a copy of which is attached hereto and hereby served upon you.

Dated: August 1, 2008

Respectfully submitted,

s/John E. Untereker
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Attorneys for Plaintiffs